REMARKS

In the present amendment, claims 11 and 23 are amended, and new claims 30-37 are added. The pending claims in this application are claims 11-26 and 28-37, with claims 11, 30 and 34 being independent.

New claims 30-37 are added to recite additional features of the invention that are not disclosed or suggested in the art of record. Independent claim 30 is directed to the method of producing a flexible shaped strip where the strip has a top surface with a longitudinal slot, a fastener received in the slot, and longitudinal interlocking members on side surfaces of the strip, and providing a slip preventer material on the top surface of the strip where the slip preventer material is a plastic material that is softer than the plastic material of the shaped strip. Independent claim 34 is directed to a method of producing a flexible shaped strip and securing a cushion cover to a foamed cushion material by forming a shaped strip having a top surface with a longitudinal slot and a fastener received in the slot, and interlocking members on the side surfaces of the shaped strip, applying a slip preventing material on the shaped strip and inserting the shaped strip into the foamed cushion material. The features of these claims are shown in Figure 1 and described in the specification. Accordingly, the claims are supported by the specification as originally filed.

In view of these amendments and the following comments, reconsideration and allowance are requested.

Rejections Under 35 U.S.C. § 112

Claims 12-14 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being supported by the specification. Specifically, the Action suggests that the specification does not

support the claimed Shore hardness A. The original international application recites the Shore hardness A. For example, see page 2, line 28, and page 6, line 10 of the German language international application. It appears that the reference to "A" as the Shore hardness measurement was inadvertently deleted in the English translation of the original German language application. Accordingly, the claims are fully supported by the application as originally filed.

Claim 23 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting the "cut-out" areas. Although the language is clear to one of ordinary skill in the art, claim 23 is amended to recite a "recessed area" between the shaped strip and the cushion component as shown in Figure 1. Accordingly, the claims are submitted to be in proper form.

Objection to Declaration Under 37 C.F.R. § 1.131

The Declaration Under 37 C.F.R. § 1.131 is objected to on the grounds that the conception is not established by this Declaration and that the Declaration does not show the anti-slip material being softer than the core material. The English translation of the attachments to the Declaration demonstrates the conception of an anti-slip coating on the shaped member. For example, the English translation of page 4 of Exhibit C discloses that conception of the profiled strip and coating the strip. This passage also discloses complete coating by dipping or brushing with the anti-slip material and coating the top surface of the fastener strip. Therefore, the Declaration establishes conception of the claimed method.

The Action objects to the Declaration as not showing the coating material being softer than the plastic material of the fastener. However, the Declaration is required to show only as much as the reference discloses. The Schulte patent only discloses a fastener member. Schulte

does not disclose a coating or a material that is softer than the core material of the fastener. Thus, Applicant is not required to show by way of Declaration a feature of the invention that is not disclosed in the Schulte patent.

A new Declaration will be submitted to swear behind the March 31, 1999 publication date of the corresponding South African patent.

Rejections Under 35 U.S.C. § 103

Claims 11, 15, 17 and 28 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,876,495 to Esler. The Esler patent is cited for disclosing a flexible cord in the form of a polymer with an extruded foam coating. The Esler patent is directed to a welting cord or boxing strip. The welting cord is enclosed within a fabric as shown in Figure 1 to provide a decorative feature to the finished article. The welting cord is not a fastener strip and is not adapted to contact a foam body to fasten a cover to the foam body. The fibers of Esler are not a shaped strip capable of securing a covering to a cushion as claimed. Moreover, Esler does not disclose or suggest a method of forming a fastener by forming a shaped strip from a plastic material, providing a slip preventer on an exterior periphery of the shaped strip where the slip preventer is a plastic material that is softer than the plastic material of the shaped strip. The Action suggests that the foam coating of Esler is inherently softer than the fibers. However, the flexible nature of the foam coating of Esler is the result of the foam structure and not the hardness of the plastic materials. Esler provides no motivation or suggestion to produce a fastener strip with a slip-preventing coating.

Esler also does not disclose the shaping of the slip preventer by extrusion as in claim 15, hot coating as in claim 17, or coating as in claim 28, in combination with the method steps of claim 11. Accordingly, claims 11, 15, 17 and 28 are not obvious over Esler.

Claims 11, 15, 17, 20-24, 28 and 29 are rejected as being obvious over South African Patent 9805087 A to Schulte in view of Esler and U.S. Patent No. 4,718,718 to Maruyama. The Schulte patent is cited for disclosing a flexible strip to secure a seat cover to a seat cushion. Esler is cited for the use of a foam material over a fiber core. Maruyama is cited for applying a rubber layer to the outside of a wire. The rejection is based on the position that it would be obvious to modify the Schulte shaped strip by providing a soft plastic material on the outer surface in view of the Esler patent and the Maruyama patent.

The combination of these three patents does not render the claimed invention obvious. Schulte is relevant in that a fastener is disclosed, but clearly fails to disclose or suggest a coating material or an anti-slip material. Schulte discloses the ribs being sufficient to fasten the fastener to the foam body and provides no suggestion that other fastening means or coatings are needed. As noted above, a Declaration is being prepared to remove the Schulte patent as a reference.

Esler relates to a welting cord and is clearly not analogous to the claimed subject matter or the fastener of Schulte. One skilled in the art would not consider the foam coating of the welting cord of Esler relevant to a fastening device or capable of functioning as a fastener device. Thus, Esler provides no suggestion or motivation to apply an anti-slip material to the fastener of Schulte. There is no suggestion that the Esler welting cord is capable of securing a cover to a foam cushion. Furthermore, as noted above, Esler discloses the welting cord being enclosed

within the fabric. Thus, Esler provides no suggestion of inserting the welting cord into a slit in a foam body for attaching a fabric to the foam body.

Maruyama relates to a trim cover for use with a seat. Maruyama is not analogous to the claimed invention since the wire does not directly engage the foam cushion. Thus, the features of the Maruyama patent address different problems and has no relation to the claimed invention. Furthermore, Maruyama has no relation to the Schulte patent or the Esler patent. Accordingly, independent claim 11 is not obvious over the combination of Schulte, Esler and Maruyama.

The claims depending from claim 11 are also not obvious over the combination of these patents for reciting additional features that are not disclosed or suggested in the cited patents. For example, the cited patents do not disclose the slip preventer being applied by extrusion as in claim 15 or hot coating as in claim 17. The combination of the cited patents clearly fail to disclose a coating on a fastener where the coating is curable by ultraviolet light as in claim 20, or electron radiation as in claim 21. The patents further fail to disclose a coating of a rubber as in claim 22, a slip preventing material being applied to the recessed areas on the outer surface of the shaped strip as in claim 23, or the configuration of the shaped strip as in claim 24, in combination with the method steps of claim 11. The combination of the cited patents also fail to disclose applying the slip preventer by coating as in claim 28, or inserting the shaped strip into the foamed cushion for securing the cover to the cushion as in claim 29, in combination with the features of claim 11.

With respect to claims 22 and 23, the Action suggests that Schulte discloses an anti-slip means. However, the Schulte patent refers only to the longitudinal ribs and provides no

suggestion of applying a coating material to the surface of the body to serve as an anti-slip material.

Claims 12-14 are rejected as being obvious over Schulte, Esler, Maruyama, and further in view of U.S. Patent No. 4,057,956 to Tolle. Tolle is cited for disclosing an anti-slip layer on a steel cable and a coating to prevent flaring of the wires when the cable is cut. Tolle relates to steel cables which are used for securing, lifting, towing or pulling objects. The nature and function of the cables of Tolle are very different from the fastener of the Schulte patent. Furthermore, Tolle provides no motivation or incentive to provide an anti-slip material having the claimed Shore hardness recited in claims 12-14 for securing a fastener strip in a foam cushion. Accordingly, claims 12-14 are not obvious over the combination of the cited patents.

Claims 16, 18, 19, 25 and 26 are rejected as being obvious over Schulte, Esler, Maruyama and further in view of U.S. Patent No. 5,095,915 to Engelson. Engelson relates to a catheter guide wire and not to a flexible strip for securing a cover to a foam cushion. Engelson is cited for disclosing that coatings can be applied to thin strips by extrusion or dip coating. Engelson provides no motivation to one of ordinary skill in the art to apply an anti-slip material to a fastener as in the claimed invention. Simply because Engelson discloses that coatings can be applied in thin strips does not provide the necessary motivation to apply thin strips of an anti-slip material to a flexible fastener as in the claimed invention. Thus, claims 16, 18, 19, 25 and 26 are not obvious over the combination of the cited patents.

New claims 30-37 are also allowable over the art of record for reciting features that are not disclosed or suggested in the cited patents. For example, the combination of the cited patents do not disclose a method of forming a flexible shaped strip by forming the shaped strip having a

top surface with a longitudinal slot, a fastener received in the slot, longitudinal interlocking members on the side surfaces, and providing an anti-slip material on the top surface of the strip where the slip-preventing material is a plastic material softer than the plastic material of the shaped strip. The cited patents further fail to disclose the method of claim 34 of producing a flexible shaped strip and securing a cushioned covering to a foam cushion material by forming the shaped strip where the strip has a top surface with a longitudinal slot, a fastener received in the slot, and coupled to the cushion covering material, and the shaped strip having a plurality of longitudinal interlocking members on the side surfaces, applying a second plastic material on a surface of the strip to provide a slip preventing material where the second plastic material is softer than the first plastic material, and inserting the shaped strip into the longitudinal passage of the foam cushion material, whereby the slip preventing material contacts the foam cushion.

In view of these amendments and the above comments, allowance of the claims is respectfully requested.

Respectfully submitted,

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